

EXHIBIT 16

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOROTHY FORTH, DONNA BAILEY,
LISA BULLARD, RICARDO GONZALEZ,
CYNTHIA RUSSO, TROY TERMINE,
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL 38
HEALTH AND WELFARE FUND,
INTERNATIONAL UNION OF OPERATING
ENGINEERS LOCAL 295-295C
WELFARE FUND, AND
STEAMFITTERS FUND LOCAL 439, on
Behalf of Themselves and All
Others Similarly Situated,

Civil No.
17-cv-02246

Plaintiffs,

vs.

WALGREEN CO.,

Defendant.

V I D E O D E P O S I T I O N
o f
CYNTHIA RUSSO
taken on behalf of Defendant

DATE: February 26, 2019

TIME: 9:34 a.m. to 2:56 p.m.

PLACE: Brinks Gilson & Lione
401 East Jackson Street, Suite 3500
Tampa, Florida 33602

BEFORE: Dawn A. Hillier, RMR, CRR, CLR
Notary Public - State of
Florida, at Large

JOB NO: 3195895

1 Q Are you eligible to join the PSC?

2 A No.

3 Q And why not?

4 A Because I'm insured.

5 Q Is it your understanding that anyone who's
6 insured is not eligible to join the PSC?

7 A That, I'm not sure exactly though.

8 Q You know you're not eligible; is that correct?

9 A Yes.

10 Q Did you ever inquire from Walgreens as to
11 whether you could join the PSC?

12 A No.

13 Q You testified earlier that you had learned
14 about the PSC approximately three to four years ago and
15 that you had learned about it from an advertisement.
16 You also testified that you noticed that you were being
17 charged more for certain drugs than people on the PSC.
18 Is all that correct?

19 A Or I suspected.

20 Q What do you mean, you suspected?

21 A Because the price is low, very low on those,
22 and my copays are sometimes higher than that.

23 Q Did you ever do a comparison between prices
24 you were being charged for a specific drug from
25 Walgreens and the PSC price?

1 A I don't think I looked at a specific drug, no.

2 Q So, you had suspicions, but you didn't know
3 one way or the other whether you were being charged more
4 than the PSC price. Is that fair to say?

5 A Right. Yeah.

6 Q Did you discuss those suspicions with anyone
7 other than counsel prior -- strike that.

8 Prior to your discussing this issue with
9 counsel, did you discuss your suspicions with anyone?

10 A No.

11 Q You testified that, earlier, that something to
12 the effect of all of the pharmacies have prescription
13 clubs of some sort.

14 A Of some sort, yes.

15 Q Okay. When did you first become aware of any
16 other pharmacy having a prescription savings club?

17 A Standing in line, picking up my prescriptions.

18 Q About how long ago?

19 A Oh, I don't know, seven, eight, ten years ago,
20 12 years ago.

21 Q Did you ever consider joining any of those
22 programs?

23 A I looked -- I looked at the list sometimes.

24 Q What list are you referring to?

25 A For instance, at Walmart. Science list. I

1 for these six prescriptions to purchase from Walgreens?

2 MR. TUSA: If you remember.

3 THE WITNESS: No. I can't say for sure.

4 BY MR. LEIB:

5 Q In 2017 -- we can look at page two of
6 Exhibit 28 now. You started using Walgreens on a
7 somewhat more frequent basis, at least than in 2015 to
8 2016.

9 Do you see that?

10 A Yes. Yes.

11 Q Do you know why you started purchasing
12 pharmaceuticals again from Walgreens in 2017?

13 A I believe they were my -- it was the preferred
14 pharmacy, along with a mail order.

15 Q So, your insurance changed at that point?

16 A Right.

17 Q Okay. If we compared 2014 to 2017, you made a
18 lot more purchases at Walgreens in 2014 than in 2017.

19 A Right.

20 Q Do you have any idea why that's the case, if
21 in both years Walgreens was your preferred pharmacy?

22 A You're talking about 2014 and 2017?

23 Q Yes. Did your -- for example, did your
24 requirements for prescriptions go down significantly in
25 2017 than in 2014?

1 A No.

2 Q So, if you had approximately the same amount
3 of needs for pharmaceutical purchases, why are there
4 many less purchases in 2017 from Walgreens than there
5 are in 2014?

6 A Because I was using the mail order house.

7 Q You started using the mail order house on a
8 more regular basis in 2017?

9 A That's possible, yes.

10 Q So, at first you said it was because you were
11 using the mail order. And then the second answer was,
12 It's possible. So I'm just trying to figure out which
13 of those.

14 A Yes. I use -- I use the mail order house
15 regularly.

16 Q And you were using it regularly in 2017?

17 A Yes.

18 Q Were using it more regularly in 2017 than in
19 2014?

20 MR. TUSA: Objection to form.

21 You may answer.

22 BY MR. LEIB:

23 Q Were you using the mail order option more
24 regularly in 2017 than in 2014?

25 MR. TUSA: Same objection.

1 Go ahead.

2 THE WITNESS: But I think so, yes.

3 BY MR. LEIB:

4 Q Do you know why?

5 A If I'm taking long-term meds, it's usually
6 cheaper to get it from the mail order house.

7 Q That would have been the case in 2014 too,
8 wouldn't it have been?

9 A It usually is, yes. But sometimes -- well, it
10 depends.

11 I'm going to go back and look and see.

12 (Off the stenographic record.)

13 MR. TUSA: I think she's ready, Michael.

14 BY MR. LEIB:

15 Q Okay. So, do you know --

16 A I had one provider who regularly sends
17 prescriptions. And she usually sends them to the local
18 pharmacy rather than the mail order house.

19 Q Did you ever ask her to send it to the mail
20 order house?

21 A Yes. And sometimes she still sends it to the
22 wrong place. And I have one now who still does that
23 too.

24 Q I'm going to hand you what we'll mark as
25 deposition Exhibit 29.

1 more expensive in 2017 to buy your drugs at the
2 Walgreens than versus mail order?

3 MR. TUSA: Objection to form.

4 You can answer.

5 THE WITNESS: According to this.

6 BY MR. LEIB:

7 Q Looking at this now, does it refresh your
8 recollection as to why you started using mail order more
9 often in 2017 than you had been using in 2014?

10 A Habit.

11 Q Convenience. Is that fair to say?

12 A Pardon?

13 Q Convenience?

14 A Convenience. It could be convenience, yes.

15 Q Were there any drugs you couldn't get via mail
16 order pharmacy?

17 MR. TUSA: 2017?

18 BY MR. LEIB:

19 Q In 2017, yeah.

20 A No. But they wouldn't come for another week
21 or two.

22 Q Right. But if you had a prescription that you
23 got on a regular basis, you would do it?

24 A I might use -- yes. I might use it. I might.

25 Q There were no drugs you were not able to get

1 via mail order that you're aware of; correct?

2 A Not that I'm aware of, no.

3 Q Are you aware of the coverage gap or doughnut
4 hole?

5 A Oh, yes.

6 Q What is your knowledge of the coverage gap?

7 A In the doughnut hole?

8 Q Yes.

9 A If between -- if I spend more than X amount of
10 money, then you go into the doughnut hole. If you spend
11 more of an X amount of, that's what you pay. And the
12 cost difference changes.

13 Q So, if we look at this Exhibit 31, which is
14 the 2017 summary of benefits for your plan, and we go to
15 the Russo 38 page again --

16 A Yes.

17 Q -- you see it says stage one annual
18 prescription deductible.

19 MR. TUSA: At the top.

20 THE WITNESS: At the top. Yes. Okay.

21 BY MR. LEIB:

22 Q And the next one down says initial coverage,
23 stage two.

24 A Right.

25 Q Do you see that? After you pay your

1 THE WITNESS: This one.

2 MR. TUSA: Yeah.

3 BY MR. LEIB:

4 Q Do you see that after December 19, 2017, there
5 are no more purchases from Walgreens?

6 A Yes.

7 Q So, is it correct that you have not
8 purchased -- or you did not purchase prescription drugs
9 from Walgreens in 2018?

10 A No. I did not.

11 Q And have you purchased any prescription drugs
12 at Walgreens in 2019?

13 A No.

14 Q Do you know why you stopped purchasing
15 prescriptions at Walgreens after 2017?

16 A Yes.

17 Q And why is that?

18 A Because it's not my preferred pharmacy.

19 Q Your prescription drug plan changed?

20 A Yes.

21 Q Starting in January 2018, your prescription
22 drug plan changed?

23 A Yes.

24 Q So, is it fair to say that you no longer
25 purchase prescriptions at Walgreens?

1 A I do not.

2 Q And is it fair to say that you do not
3 anticipate purchasing any more prescriptions from
4 Walgreens?

5 MR. TUSA: Objection to form.

6 You may answer.

7 THE WITNESS: Unless my plan changes.

8 BY MR. LEIB:

9 Q At this point, you have no -- is it fair to
10 say that you have no reason to anticipate purchasing any
11 more prescription from Walgreens in 2019?

12 A I don't know.

13 Q You don't anticipate purchasing anything from
14 Walgreens in 2019 -- right? -- any prescription drugs?

15 A No, not right -- no. Not at this point.

16 Q I'm just going to rephrase the question and
17 make sure it's clear on the record.

18 A Okay.

19 Q Do you anticipate purchasing any prescription
20 drugs from Walgreens in 2019?

21 A No.

22 Q If we could just turn to the Second Amended
23 Complaint which is --

24 MR. TUSA: Michael, if this is going to be
25 another long line of questioning --

CERTIFICATE OF OATH

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, the undersigned authority, certify that CYNTHIA
RUSSO personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 6th day of
March, 2019.



DAWN A. HILLIER, RMR, CRR, CLR

Notary Public - State of Florida

My Commission No.: GG 259309

Expires: 12-15-2022

CERTIFICATE

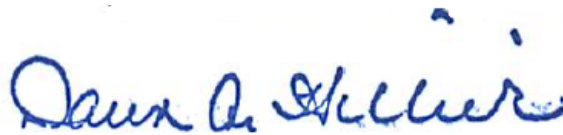
STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, DAWN A. HILLIER, RMR, CRR, CLR certify that I was authorized to and did stenographically report the deposition of CYNTHIA RUSSO; that a review of the transcript was requested; and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 6th day of March, 2019.



DAWN A. HILLIER, RMR, CRR, CLR